

REMARKS

Claims 1-9 and 11-15 are pending in this application. Claim 10 is canceled. Claims 1 and 2 have been amended to more particularly point out and distinctly claim applicant's invention. No new matter is added. The features in the claims as amended were present in the originally filed specification.

In the Office Action it is stated that claims 2-7 and 13-15 would be allowable if the claims were rewritten in independent form.

Drawings

Applicants respectfully request acknowledgement from the examiner as to whether the thirteen (13) replacement sheets of drawings which were submitted with the amendment of June 23, 2005 were accepted by the examiner.

Information Disclosure Statement

Applicants note that all three (3) pages of the Information Disclosure Statement filed by applicants on June 30, 2005 was signed by the examiner at the bottom of each page and attached to the Office Action of September 22, 2005. However, applicants also note that the examiner did not initial any of the blocks under the heading which states "Examiner Initial". Accordingly, applicants request that the examiner initial all three pages of the Information Disclosure Statement and return them to applicants. Therefore applicants have included with this Amendment all three (3) pages of the Information Disclosure Statement signed by the examiner.

35 U.S.C. 102 Rejection of Claims 1, 8, 9, 11 and 12 by Resch

Claims 1, 8, 9, 11 and 12 are rejected under 35 U.S.C. 102(b) as allegedly being anticipated by U.S. Patent No. 6,266,981 to Resch. Applicant respectfully traverses the rejection.

In the Office Action, it is stated that Resch allegedly teaches the features of claim 1 of a housing, handle, biasing device, secondary pawl, and a detent device. Applicants submit that the claim 1 as amended is directed to a latch having a handle actuator which engages the main pawl upon pivoting of the handle between a closed position and an open position. It is submitted that these features simply are not taught in the Resch reference.

In stark contrast to the present claimed invention, the invention of Resch is directed to a lock which has a bolt which is operated by a complex arrangement of a “follower” piece 5 such that upon rotation rather than pivoting shoulder 8 engages protrusion 9 of the latch bolt arm 10. (See col. 3, lines 1 to 17). It is submitted that the cited Resch reference does not teach a handle having a handle actuator which engages a main pawl and moves the main pawl between a closed position and an open position by pivoting of the handle.

With respect to the 35 U.S.C. 102 rejection, it is stated on page 2 of the Office Action that as part of the rejection the cited reference reads on the claims because some of the items identified in the text of the preamble are not positively recited in the claims. Applicants disagree with the examiner’s suggestion that structures such as a keeper must be positively recited in the body of the claim in order to make the claims which are directed to a latch patentable. For example, applicants submit that numerous U.S. patents have issued for latches for fastening to a keeper which do not recite a keeper in the body of the claims and that therefore, it is not necessary for applicants to positively recite features such as a keeper in the claims.

Accordingly, as it is submitted that the Resch reference fails to teach at least the above described features of claim 1 upon which all other rejected claims depend, applicants respectfully request reconsideration and withdrawal of the 35 U.S.C. 102 rejection of claims 1, 8, 9, 11 and 12.

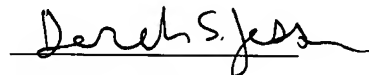
CONCLUSION

For the reasons set forth above, Applicants' present invention, as recited in the amended claims now more clearly and particularly, is patentable. Reconsideration and withdrawal of all outstanding rejections and objections in this case is hereby respectfully requested.

If further matters remain in connection with this case, the Examiner is invited to telephone the Applicant's undersigned representative to resolve them.

Respectfully submitted,

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